

SUBPART D – DAM SAFETY

TN503.56(b)

TN503.55 NRCS/State Relationships.

The State Conservation Engineer (SCE) is responsible for coordinating NRCS activities concerning dam safety and adherence to state laws. The SCE shall establish needed working arrangements with the State of Tennessee in promoting a strong State dam safety program. Tennessee's dam safety law is contained in the Safe Dams Act of 1973. The Safe Dams Section of the Division of Water Supply in the Tennessee Department of Environment and Conservation is responsible for carrying out the requirements of the Safe Dams Act of 1973. The law contains requirements for a permit to construct, alter, or remove a dam.

TN503.56 Responsibility for dams.

(a) NRCS in Tennessee provides technical and/or financial assistance on dams, dikes, and other water control structures under various programs. Sudden failure of many of these may seriously endanger life and property. Adequate design, construction, and proper operation and maintenance can significantly reduce the likelihood of such failures. NRCS technical assistance in the design and construction of dams shall ensure that all applicable state laws and regulations and NRCS standards are met and that the dam does not pose an unsafe condition to downstream landowners.

(b) For dams planned, designed, and constructed under the Conservation Operations Program, the District Conservationist (DC) in consultation with the Area Conservationist and Area Engineer, is responsible for determining if proper design and construction inspection assistance can be provided to fulfill NRCS commitments in accordance with NRCS policy and state law, rules, and regulations. If NRCS cannot provide the necessary technical assistance in a timely manner, the DC shall inform the landowner of his/her need to arrange for the services of a private engineer before proceeding with the project. Before NRCS provides technical assistance for the design of dams, the DC is to inform the landowner in writing of his/her responsibilities to comply with all applicable laws, regulations, and permit conditions in constructing and operating the dam. When the design and plans are complete, the landowner is responsible for obtaining required permits to construct the dam. The DC should provide assistance, as needed, in securing the permit, but shall not act as an agent for the landowner under any circumstances.

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